IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 210 OF 2006
IN
Summons for Judgment No. 596 OF 2005
IN
Summary SUIT NO. 3561 OF 2003

Ganger Enterprise ..Appellant.

V/s.

Bank of Baroda (Hong Kong) Ltd. & Ors. ..Respondents.

Miss Kumbhat i/by K.K. Tated for Appellant.

Mr. Birendra Saraf with Mr. Raju Gawde i/by K. Ashar & Co. for the Respondents.

CORAM : DR. S. RADHAKRISHNAN &
S. J. VAZIFDAR, JJ.

DATED : 26TH APRIL, 2006

PC :

1. Heard learned counsel for the Appellant and the Respondents.

2. By this Appeal, the Appellant is challenging the order dated 20th February, 2006, whereby the learned single Judge has granted conditional leave, directing the Appellant to deposit the sum of Rs. 30,00,000/- (Rs.Thirty lacs). The principal amount is Rs. 36,65,296/-. The main defence raised by the Appellant is that the Court has no territorial jurisdiction on the

ground that the Bill of Exchange was drawn at Hong Kong and that the same was accepted at Navi Mumbai. Admittedly, the Bill of Exchange was dishonoured at Mumbai when the same was presented on 2nd of August, 2002 at the Office of the Defendant at Chinch Bunder, Mumbai -09, which is within the jurisdiction of this court and in these circumstances, we do not find any error in the order of the learned single Judge, directing to deposit a sum of Rs. Thirty lakhs while granting conditional leave to defend in the Summary Suit. The Appeal is devoid of any merit.

3. The Appeal is dismissed.

(Dr.S.Radhakrishnan,J)

26.4.2006

(S.J. Vazifdar, J)

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